



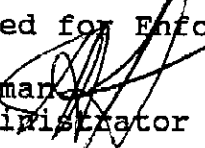
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

5/16/95

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Continuing Need for Enforcement

FROM: Steven A. Herman   
Assistant Administrator

TO: Regional Administrators  
Deputy Regional Administrators  
Regional Counsels

In recent discussions between senior managers in OECA and various Regional managers, it has become apparent that there is some confusion about the Agency's current and future emphasis on enforcement. The cause of the confusion appears to be the perception that there is a conflict or inconsistency between strong traditional enforcement and some of the newer efforts we are undertaking. Let me say as clear as I can, that I do not see such a conflict. Rather, I see our traditional enforcement efforts and some of our newer innovative approaches as being complimentary. If done well, these efforts will produce an exceptionally balanced and strong enforcement and compliance assurance program; a healthy environment and increased compliance throughout the regulated community will be its products. This is what the Administrator envisioned when she implemented the enforcement reorganization and created OECA.

Thus, when I am asked "Should we still be doing traditional enforcement?", I answer emphatically "absolutely yes." It remains the primary tool we have to ensure compliance. We will not succeed in our efforts to maximize compliance and promote "beyond compliance" behavior without a strong enforcement presence. Enforcement actions reduce or eliminate environmental and human health risks and ensure an economic "level playing field" between those who fail to comply and those who choose to comply.

In an era of increasing scrutiny and decreasing resources, it is even more important that we use our enforcement authority wisely, and produce maximum benefit for the environment with each action we take. Thus, I have asked all enforcement managers and staff in OECA and in our regional offices to make it their



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highest priority to focus enforcement resources on addressing significant environmental, human health, and noncompliance problems.

However, enforcement actions are not all that we must do. We are piloting cooperative and collaborative approaches with the regulated community and other stakeholders, we are revising some of our policies to provide additional compliance incentives to appropriate segments of the regulated community, and we are increasing our efforts to maximize partnerships with our state co-regulators.

Our enforcement and compliance assurance program is in a period of change and challenge. To continue to have a successful program, we will all need to maintain our focus and exercise our creativity and good judgment. It also means that we will need to continue to ~~take enforcement~~ actions as we undertake the newer approaches. This will produce a fair, balanced and effective enforcement and compliance assurance program.

Finally, I am asking all of you to join in our efforts to collect and disseminate data which measures our enforcement success in new ways--ways that make our effectiveness more apparent and tangible to the public. Our recent draft MOA guidance stated our intention to deemphasize traditional activity counts (e.g., cases issued, penalties assessed) as our sole measure of success, and it outlined the new outcome-based measures to supplement our traditional measures. This shift in our approach to measures is vital to the future of our enforcement program and it will require a commitment from all our enforcement personnel to make it work.

I hope this message helps clear up any ambiguity or confusion. I look forward to completing our third year together, and our first under the OECA banner. Thanks for all of your help thus far.

ccs: Deputy Administrator  
Assistant Administrators  
General Counsel  
Associate Administrators  
Regional Enforcement Coordinators  
OECA Office Directors  
OECA Deputy Office Directors  
OECA Division Directors